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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,190	02/25/2004	Natan Galperin	174.1034	2387
23280	7590	10/04/2005	EXAMINER	
DAVIDSON, DAVIDSON & KAPPEL, LLC 485 SEVENTH AVENUE, 14TH FLOOR NEW YORK, NY 10018			WALK, SAMUEL J	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/786,190	Applicant(s) GALPERIN ET AL.	
	Examiner Samuel J. Walk	Art Unit 2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-32 is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/25/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 3 is objected to because of the following informalities: Dependency has been omitted. Appropriate correction is required. To further prosecution, Examiner has interpreted the dependency to be on Claim 1.

Claim Rejections - 35 USC § 112

2. Claims 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 17 and 19 recite the limitation "the step of examining the signals of all the tamper sensors" in lns 1-2. There is insufficient antecedent basis for this limitation in the claim. Thus, Claims 18 and 20 are also rejected being dependent therefrom.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9-14, 16, 17 and 19 are rejected under 35

U.S.C. 102(e) as being anticipated by Reisman (US 6853304).

In reference to Claims 9-10 and 12, Reisman discloses a monitoring device wherein claimed examining and processing at least one signal is met by at least two tamper sensors 42 providing data input to microprocessor 50, see Col. 8 lns 19-20; claimed remote transmission met by wireless transmission to local monitoring unit 15, see Col. 4 lns 24-31.

In reference to Claim 11, Reisman further discloses the transmitted signals carry tag identification and other data regarding activities or state of the monitored person in accordance with the sensors 46, see Col. 8 lns 30-44.

In reference to Claim 13, it is inherent that the tamper signal goes through a computation in the microprocessor as the signals from the sensors would need to be processed.

In reference to Claim 14, Reisman further discloses examining the movement sensor 44 for sensing the motion of a person, see Col. 8 lns 28-61.

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In reference to Claim 16, Reisman further discloses the microprocessor 50 is programmed to activate the various sensing means to take reading at predetermined time intervals, see Col. 8 lns 35-37.

In reference to Claim 17, Reisman discloses the second tamper sensor is a body sensor sensing body proximity, see Col. 8 lns 24-25.

In reference to Claim 19, Reisman discloses the first tamper sensor is a open-closure sensor sensing body proximity, see Col. 8 lns 21-23.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Copley (US 6639516) in view of Reisman.

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In reference to Claim 1, Copley discloses a personal tracking device wherein claimed power supply met by battery, fuel cell, etc., see Col. 5 ln 14; claimed central processing unit met by processor 206, see Col. 5 ln 9; claimed strap met by inherent strap as it is worn around the ankle of the monitored person, see Col. 4 ln 63; claimed tamper sensor met by tamper evidence detector 212, see Col. 5 lns 18-22; claimed transmitter met by transmitter (transceiver) 204, see Col. 5 lns 7-9. Copley does not disclose a motion sensor. However, Reisman teaches of a monitoring device wherein movement sensor 44 is provided for sensing the motion of the person, see Col. 8 lns 28-29. Therefore, one having ordinary skill in the art at the time the invention was made would have incorporated the teachings of Reisman into the system of Copley because monitoring a person's movement allows for safer monitoring and determines when the lack of movement is a sign of something worse.

In reference to Claim 2, see above rejection in reference to Claim 1. In addition, one having ordinary skill in the art would have readily recognized that thresholds must exist when an action is performed based on the data of a sensor

In reference to Claim 3, it is obvious that transmitter 204 is a radio frequency transmitter because a delay limit is used

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to reduce false alarms caused by radio interference, see Col. 5
ln 50.

In reference to Claim 4, Examiner takes Official Notice that both the concept and advantages of a tilt, acceleration, angular, inclination or position sensor are well known and expected in the art. Therefore, one having ordinary skill in the art at the time the invention was made would have one of the above sensors because they are readily available and functionally equivalent components.

In reference to Claim 5, Reisman further teaches of straps 16, 17 and second tamper sensor, such as a body sensor, for sensing body proximity, see Col. 5 ln 38 and Col. 8 lns 24-25.

In reference to Claims 6-7, Reisman further teaches the first tamper sensor, such as an open-closure sensor, for detecting the opening of the electrical circuit running through the straps, see Col. 8 lns 20-23.

In reference to Claim 8, Copley discloses tamper evidence detector 212 includes a thermal sensor for sensing body temperature, see Col. 5 lns 18-20

8. Claim 15, 18 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman.

In reference to Claim 15, see above rejection in reference to Claim 14. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the signal from the motion sensor would have to be compared to a threshold if an action was to be performed.

In reference to Claim 18, see above rejection in reference to Claim 17. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the signal from the proximity sensor would have to be compared to a threshold if an action was to be performed.

In reference to Claim 20, see above rejection in reference to Claim 19. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the signal from the open-closure sensor would have to be compared to a threshold if an action was to be performed.

In reference to Claims 21-22, it would have been obvious to one having ordinary skill in the art at the time the invention was made that one would perform the examination in either the tag or a remote unit based upon the design specification and needs of the user/manufacture according to power consumption, speed of calculation, etc.

In reference to Claim 23, it would have been obvious to one having ordinary skill in the art at the time the invention was

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made that the signal would have to be compared to a threshold if an alarm signal was to be issued based upon an event such as lack of motion for a predetermined time, high/low temperature, etc.

Allowable Subject Matter

9. Claims 24-32 are allowed.

10. The following is an examiner's statement of reasons for allowance: Claims 24-32 have been found to be allowable because prior art fails to show examining signals received from at least one motion sensor within a tag strapped to a limb of a monitored person at predetermined intervals and comparing a processed and determined pattern with a stored behavioral signal pattern.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lemelson (US 6437696) discloses prisoner tracking and warning system and

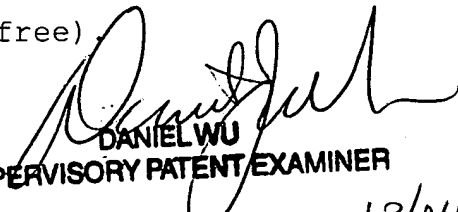
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corresponding methods. Pauley (US 4952913) discloses a tag for use with personnel monitoring system. Melton (US 5255306) discloses a cellular interface unit for use with an electronic house arrest monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel J. Walk whose telephone number is (571) 272-2960. The examiner can normally be reached on M-F: 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DANIEL WU
SUPERVISORY PATENT EXAMINER
10/01/05